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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

FEB 18 2003

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** - Request for a Time Critical Removal Action at the Sybill Site, Detroit, Wayne County, Michigan (Site ID # B54J)

FROM: Brian Kelly, On-Scene Coordinator
for Emergency Response Branch - Section 1

TO: William E. Muno, Director
Superfund Division

THRU: Margaret Guerriero, Acting Chief
for Emergency Response Branch

I. PURPOSE

This memorandum is to document your approval to expend up to $316,000 to mitigate threats to public health, welfare, and the environment at the Sybill Site, hereafter referred to as the site, in Detroit, Wayne County, Michigan. The proposed removal action is necessary to mitigate the immediate threat to public health and the environment posed by the presence of an estimated 27,000 gallons of uncontrolled hazardous substances and wastes, including flammable, corrosive, and toxic substances in vandalized, leaking tanks, drums, small containers, and an ash pit.

The proposed removal action at the site is a time-critical removal due to site conditions, which include a threat to human health and the environment due to the release or imminent threat of release of hazardous substances, pollutants, or contaminants. The waste streams include ignitable wastes with flash points less than (<) 140 degrees Fahrenheit [°F] (70°F , 75 °F, 95 °F, 100 °F, and 140 °F), 4,000 gallons of corrosive liquid (pH 12.97) stored in a tank with no secondary containment, approximately 5 drums of oxidizers, and toxic waste streams that include benzene and methyl ethyl ketone.

Due to these threats an emergency funding request for $10,000 was verbally approved by Emergency Response Branch Chief Rick Karl on 8 January 2003. On 9 and 10 January 2003, U.S. EPA contractor Environmental Restorations (ER) was mobilized to the site to plug sewer drains and repair locks and fences. While mobilizing ER, U.S. EPA discovered criminals engaged in stripping/chopping stolen vehicles on site. The

Detroit City Police Department removed the stolen cars but were unable to apprehend the criminals. The criminals were using blowtorches less than 10 feet from hazardous waste and used oil.

The hazardous substances and wastes are located in a mixed residential and commercial area. Other documented evidence of vandalism include cut locks, smashed windows, broken down doors, stripped wiring, and set fires.

The response action proposed herein will mitigate the threats by identifying and removing for off-site disposal the hazardous substances and wastes. Additional activities will include establishing site security, conducting perimeter air monitoring, and preparing a site contingency plan. The project will require an estimated 25 working days to complete.

Additionally, an OPA-removal is being requested in a separate request to collect and dispose of the estimated 450,000 gallons of used oil present at the Site threatening the Detroit River. If funded, the OPA-removal will be coordinated with the CERCLA removal.

There are no nationally significant or precedent-setting issues associated with the site and the site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # B54J MIN000508502

A. Physical Location and Description

The Sybill site (a.k.a. SRS) is located 111 Military Road/Avenue in Detroit, Wayne County, Michigan. The geographic coordinates of the site are latitude 42°18.300' N and longitude 83°06.000' W. The site is located in a mixed industrial and residential area, and is comprised of a 15-acre parcel of land split by Military Road. The site office and process buildings are located to the southwest of Military Road, and a pump house and two above ground storage tanks (ASTs) are located to the northeast of Military Road.

The site is comprised of a process building (including boiler house), an office building, a small pump house, a water tower, two parking areas, and 26 ASTs (5 outdoor and 21 indoor) with a combined storage capacity of approximately 1,682,000 gallons. Key site features such as buildings, ASTs, secondary containment, and manholes are included in Attachment 4, Site Features Map. A chain-link and barbed-wire fence surround both portions of the site; however, the site is unrestricted due to vandals twice cutting the fence and locks and driving a car through a roll-up door. The nearest waterway is the Detroit River located approximately 0.5 miles southeast of the facility.

In Michigan, the low-income percentage is 29% and the minority percentage is 18%. To meet the EJ concern criteria, the area within 1 mile of the site must have a population that's twice the state low-income percentage and/or twice the state minority percentage. That is, the area must be at least 58% low-income and/or 36% minority. At this site, the

low-income percentage is 56.7% and the minority is 37% as determined by Arcview or Landview III EJ analysis. Therefore, this site does meet the region's EJ criteria based on demographics as identified in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case, June 1998."

B. Site Background

At one time, Sybill functioned as a water treatment facility for the City of Detroit. Later, the facility began to function as a used oil processing plant, at one time being owned and operated by General Motors, Inc. (GM). The facility processed oil by filling the on-site ASTs and clarifiers, which were designed for water treatment, with oil and waste products from industry. Sybill purchased the site from GM in 1991. During Sybill's operations of the used oil processing facility, it was cited with various regulatory violations by the Detroit Water and Sewerage Department and Michigan Department of Environmental Quality (MDEQ).

In June 2001, city-issued operating permits were revoked, and all utility services were terminated due to regulatory violations. The site continued to receive waste even after the utilities had been disconnected. Stockpiling waste in on-site containers and tanks until the end of August 2001. It is believed that once the waste storage capacity of the facility was reached, Sybill management filed for bankruptcy and abandoned the facility. During operations, the facility was owned and operated by Mr. William Madius.

From manifests gathered on site, GM contributed a large percentage of incoming waste oil to the site during Sybill's operation of the used oil processing facility. As a party contributing to the environmental conditions at Sybill, GM contracted Engineering Labs, Inc. (EL) to perform remedial site activities after the facility was abandoned. GM's partial removal of wastes and waste oils from the site was apparently conducted with little state or federal oversight.

On 10 and 13 May 2002, U.S. EPA investigated the site as part of an investigation into the River Rouge oil spill that occurred in early April 2002. U.S. EPA reviewed on-site paperwork, visually inspected ASTs, drums, totes, sewers, and containment areas, and documented site conditions. From oil fingerprint analysis the U.S. EPA's Emergency Response Team and the United States Coast Guard Marine Safety Laboratory excluded Sybill as the cause of the River Rouge spill. However, conditions noted during this investigation were believed to be a threat to human health and the environment, and led to an October 2002 site assessment.

C. U.S. EPA Site Assessment

On 22 October 2002, U.S. EPA OSCs Jeff Kimble and Ross Powers, and WESTON Superfund Technical Assessment and Response Team (START) personnel conducted a level-B site assessment. Additional personnel included MDEQ James Ferritto and City of Detroit representative LaReina Reid.

The site assessment revealed that on-site buildings and structures are in poor condition. In particular, the roof and walls of the process building and the windows and doors of the office building and boiler house have lost structural integrity and allow snow and rain to enter the buildings and contact the hazardous substances and waste. Drum labels noted by U.S. EPA OSCs show that sodium hypochlorite, oxidizer, hexane, and flammable substances are present on the site. In addition, numerous compressed flammable gas cylinders are scattered throughout the office building and the basement of the boiler house. Field screening of AST 19 showed a pH of 14.

The facility's five ASTs (unmaintained since August 2001) on the exterior of the buildings all show evidence of releasing waste/waste oil. ASTs Nos. 3, 4, and/or 5 are releasing waste/waste oil and have filled several feet of their shared secondary containment. The containment around ASTs Nos. 3, 4, and 5 is not continuous, and pipes and breaks in the containment wall will allow waste/waste oil to be released if removal actions are not taken.

Sample Analysis of Hazardous Substances and Wastes

Waste samples taken from tanks and other containers were visually observed to be other than oil. START collected 8 waste samples numbered SI-DRM-01, SI-TOT-01, SI-TOT-01DP, SI-LAB-01, SI-LAB-02, SI-LAB-04, SI-LAB-05, and SI-TAC-01, as shown on the attached site map. The results of these samples are discussed below:

TCLP VOCs

Samples SI-LAB-01 and SI-LAB-05 documented a TCLP benzene concentration of 1.2 and 1.1 milligrams per liter (mg/L) respectively, which according to 40 CFR Section 261.24 is considered a RCRA characteristic hazardous waste by virtue of toxicity. Sample SI-LAB-01 was also documented to have a methyl ethyl ketone concentration of 2,300 mg/L, which according to 40 CFR Section 261.24 is considered a RCRA characteristic hazardous waste by virtue of toxicity.

Flashpoint

Samples SI-TOT-01DP (140 °F), SI-LAB-01 (100 °F), SI-LAB-02 (95 °F) and SI-LAB-05 (75 °F) recorded flash points of < 140 °F, which according to 40 CFR Section 261.21 is considered a RCRA characteristic hazardous waste by virtue of ignitability.[1]

[1] Oil sample SI-ASH-01 recorded a flash point of 70 °F, which exceeds the criteria for characteristic hazardous waste. Sample SI-SCP-01, which recorded a flash of 170 °F, did not meet the criteria for characteristic hazardous waste but was sufficiently low to be considered combustible.

pH

Samples SI-LAB-04 (pH=0) and SI-TAC-01 (pH=12.97) recorded pHs of less than 2 or greater than 12.5, which according to 40 CFR Section 261.22 is considered a RCRA characteristic hazardous waste by virtue of corrosivity.

See table next page.

U.S. EPA Analytical Results (22 October 2002)
Sybill Site Assessment
Detroit, Wayne County, Michigan

Parameter		Sample Identification			
		SI-DRM-01	SI-TOT-01	SI-TOT-01DP	SI-LAB-01
Field test (ppm)		CO = 220 pH = 7-8	pH = 11	pH = 11	VOC =2,000 LEL (%) = 19
Drum description	Construction	Plastic 55-gallon	Plastic Tote	Plastic Tote	Metal 5-gallon
	Volume	Partial	90%	90%	Partial
	Condition	Fair	Fair	Fair	Fair
Sample Matrix		Product - solids and crystals	Product	Product	Product
Parameter	Reg. Limit				
TCLP VOC: (mg/L) Benzene	0.5	BDL	BDL	BDL	**1.2**
Methyl ethyl ketone	0.5	BDL	BDL	BDL	**2,300**
pH	<2, >12.5	4.8	6.54	7.38	3.88
Flash:	< 140 °F	>200 °F	>200 °F	**140 °F**	**100 °F**

Key:

VOC = Volatile organic compounds
> = Greater than
< = Less than
TCLP = Toxicity Characteristic Leachate Procedure
LEL = lower explosive limit
N/A = Not Analyzed
U = result is below method detection limit
mg/L = milligrams per liter
BDL = Below Detection Limit

U.S. EPA Analytical Results (22 October 2002) Continued
Sybill Site Assessment
Detroit, Wayne County, Michigan

Parameter		Sample Identification			
		SI-LAB-02	SI-LAB-04	SI-LAB-05	SI-TAC-01
Labeling Information		Carboline	Nitric Acid	Hexane	Caustic Soda
Field test (ppm)		VOC = 90	pH = 0-1	VOC = 778	None
Drum description	Construction	Metal 5-gallon	Glass 2.5 Liter	55-gallon metal drum	AST
	Volume	Full	60%	Partial	unknown
	Condition	Fair	Fair	Fair	Fair
Sample Matrix		Product	Product	Product	Product
Parameter	Reg. Limit				
TCLP VOC: (mg/L) Benzene	0.5	BDL	NA	**1.1**	NA
Methyl ethyl ketone	0.5	77	NA	BDL	NA
pH	<2, >12.5	4.05	**0**	4.01	**12.97**
Flash:	< 140 °F	**95 °F**	NA	**75 °F**	NA

Key:
VOCs = Volatile organic compounds
> = Greater than
< = Less than
TCLP = Toxicity Characteristic Leachate Procedure
N/A = Not Analyzed
U = result is below method detection limit
mg/L = milligrams per liter
AST = aboveground storage tank
BDL = Below Detection Limit

Source: Trace Labs, Muskegon, Michigan and CT&E Labs, Ludington, Michigan, under START analytical TDD number S05-0210-003.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Sybill site present an imminent and substantial threat to the public health, or welfare, and the environment, and meet the criteria for an emergency removal action provided for in the National Contingency Plan (NCP), Section 300.415, Paragraph (b)(2). 40 C.F.R. § 300.415(b)(2)(i), (ii), (iii), (v), and (vi), (vii), respectively, which specifically allows removal actions for:

i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

During the site assessment the presence of uncontrolled; toxic, corrosive, and ignitable substances in abandoned, vandalized, leaking tanks was documented. Vandals have cut locks installed by U.S. EPA, smashed windows, broken down doors, stripped copper wiring, and set fires inside the building. The roof and walls of the process building and the windows and doors of the office building and boiler house have lost structural integrity and allow snow and rain to enter the buildings and contact the hazardous substances. ASTs Nos. 3, 4, and/or 5 are leaking and have filled several feet of their shared secondary containment. Staining around the site drains indicate waste is being released into the Detroit combined sewer system, which leads to the Detroit River.

ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems;

The Detroit River, located approximately 0.5 miles from the site, is designated an American Heritage River, and is part of the connecting channels linking Lake Huron to Lake Erie. It is an international border with Canada and serves as a source of drinking water for approximately five million people. During heavy rains the Detroit combined sewer system overflows into the Detroit River. Due to the large quantity of uncontained wastes materials on site, as well as their proximity to city sewer drains, waste materials entering the combined sewer system from the Sybill site is also expected to overflow into the river under these conditions.

iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;

AST 19 (approximately 4,000 gallons), located in the main yard of the site, contains a corrosive substance and has no secondary containment. A manhole that drains to the municipal sewer system is located approximately 30-feet down gradient of the AST. A release from the AST would flow into the manhole and into the combined sewer system.

On-site storage tanks do not have locking valves and have not been inspected or had routine maintenance since August of 2001; the roof and walls of the process building and the windows and doors of the office building and boiler house have lost structural integrity and allow snow and rain to enter the building and contact the hazardous substances. ASTs Nos. 3, 4, and/or 5 are leaking and have filled several feet of their shared secondary containment.

v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

The roof and walls of the process building and the windows and doors of the office building and boiler house have lost structural integrity and allow snow and rain to enter the building and contact the hazardous substances. ASTs Nos. 3, 4, and/or 5 are leaking and have filled several feet of their shared secondary containment. Flammable waste, toxic waste, and corrosive wastes are being stored without shelter or temperature control. Without implementing the proposed removal action, rain and snow will continue to degrade the tanks and structures causing further release.

vi) Threat of fire or explosion;

The threat of fire or explosion exists at the site due to the presence of drums, tanks, and cylinders labeled flammable. Five samples documented flash points of < 140 °F, with two less than 90 °F. Evidence of vandals setting fire inside the building near flammable substances has been documented. On 10 January, U.S. EPA found criminals had setup a car stripping/chopping operation and were using blowtorches 10 feet from the waste. A fire or explosion created from unstable flammable chemicals would cause migration of hazardous substances over the adjacent commercial and residential area and endanger emergency personnel responding to a fire or explosion.

vii) The availability of other appropriate federal or state response mechanisms to respond to the release

In a letter dated 24 January 2003, MDEQ requested U.S. EPA assistance in addressing the threat.

IV. ENDANGERMENT DETERMINATION

Given the site conditions, the nature of the confirmed hazardous substances, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes to undertake the following actions to mitigate threats posed by the presence of hazardous substances at the Sybill site:

1) Develop and implement a site Health and Safety plan, including an Air Monitoring Plan and Site Contingency Plan;

2) Develop and implement a Site Security Plan;

3) Characterize, remove, and properly dispose of hazardous substances and wastes (drums, tanks, and small containers) and associated heavily-contaminated soils and debris located at the site in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440);

The detailed cleanup contractor cost is presented in Attachment 1 and estimated project costs are summarized below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs	$ 235,000 (rounded)
Total Cleanup Contractor Costs (This cost category include estimates for ERRS, subcontractor, Notice to Proceed, and Interagency Agreements with Other Federal Agencies. Includes a 15 % contingency)	
Other Extramural Cost Not Funded from the Regional Allowance:	
Total START, including multiplier costs	$ 28,000
Subtotal	$ 28,000
Subtotal, Extramural Subtotal	$ 263,000
Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	$ 52,600
TOTAL, Removal Action Project Ceiling	$ 316,000 (rounded)

This removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. However, elimination or mitigation of the threats is expected to minimize the need for post-removal site control.

The activities described in this memorandum will require an estimated 25 on-site working days to complete.

The detailed cleanup contractor cost estimate is presented in Attachment 1 and estimated project costs are summarized above:

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable. A letter was sent to Jim Ferritto of the Michigan Department of Environmental Quality (MDEQ) on 20 December 2002, requesting that MDEQ identify state ARARs.

All hazardous substances, pollutants or contaminants removed off site pursuant to this removal action for treatment, storage, and disposal will be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR § 300.440.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued risk to public health and the environment will result if no action or delayed action ensues.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total U.S. EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be

($316,000 + $28,000) + (39.21% x $ 344,000) = $ 478,000 (rounded up)[2]

[2] Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

The total U.S. EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $ 478,000.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Sybill site, in Detroit, Michigan, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the site

Conditions at the site meet the NCP section 300.415(b) criteria for a removal and I recommend your approval of the proposed removal action. The total removal action project ceiling if approved will be $ 316,000. Of this, an estimated $289,000 comes from the Regional removal allowance.

APPROVE: Wm. E. Muno DATE: 2/18/03
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Enforcement Addendum

Attachments

1. Detailed Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. Independent Government Cost Estimate
4. Site Features Map

cc: R. Worley, U.S. EPA, 5203-G
M. Chezik, U.S. DOI, w/o Enf. Addendum, **w/o Enf. Addendum**
C. Clark, MDEQ, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

SYBILL SITE
DETROIT, WAYNE COUNTY, MICHIGAN

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

(REDACTED 3 PAGES)

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR ESTIMATE
SYBILL SITE
DETROIT, WAYNE COUNTY, MICHIGAN

The estimated cleanup contractor costs necessary to complete the removal action at the Pellestar Site are as follows:

Personnel & Equipment	$ 135,843
Materials & Misc	$ 3,500
Transportation and Disposal	$ 64,730
15% Contingency	$ 30,611
TOTAL	**$ 234,683**

ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
SYBILL SITE
DETROIT, WAYNE COUNTY, MICHIGAN

ORIGINAL
FEBRUARY 5, 2003

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	08/27/02	Roy F. Weston, Inc.	U.S. EPA	River Rouge Oil Spill, Dearborn, MI April 2002 Site Inspection Report for Sybill, Inc.	48
2	11/22/02	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report for the Sybill, Inc. Site	203
3	01/00/03	Science Applications International Corporation	U.S. EPA	Title Search Report for the Sybill, Inc. Site	170
4	01/08/03	Ferritto, J., MDEQ	Kelly, B., U.S. EPA	Letter re: MDEQ's Response to U.S. EPA's Request for Michigan ARARs for the Sybill Site	1
5	01/24/03	Ferritto, J., MDEQ	Kelly, B., U.S. EPA	Letter re: MDEQ's Request for U.S. EPA Assistance at the Former SRS Environmental Site	1
6	00/00/00	Kelly, B., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the Sybill Site **(PENDING)**	

ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

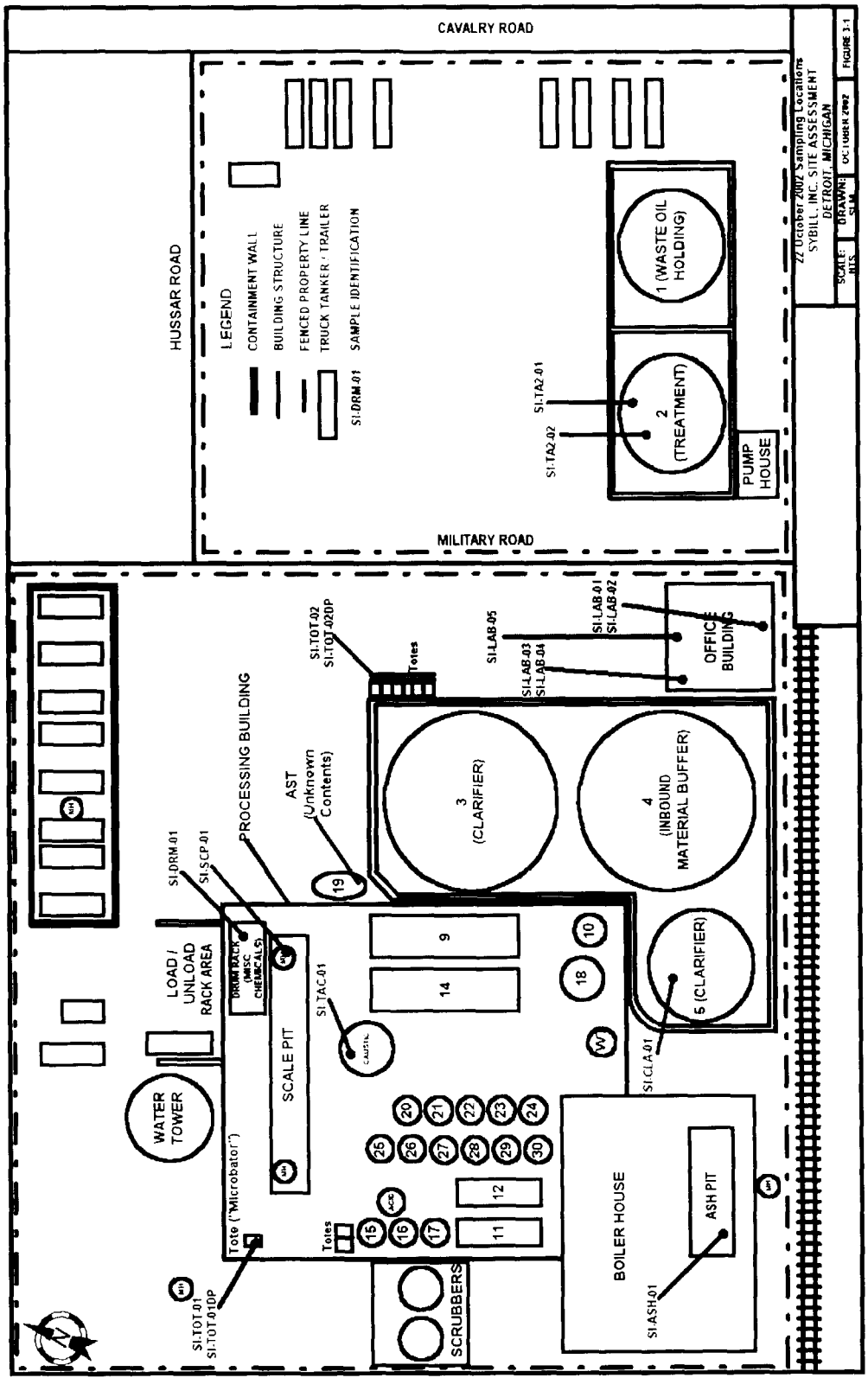
SYBILL SITE
DETROIT, WAYNE COUNTY, MICHIGAN

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

(REDACTED 2 PAGES)

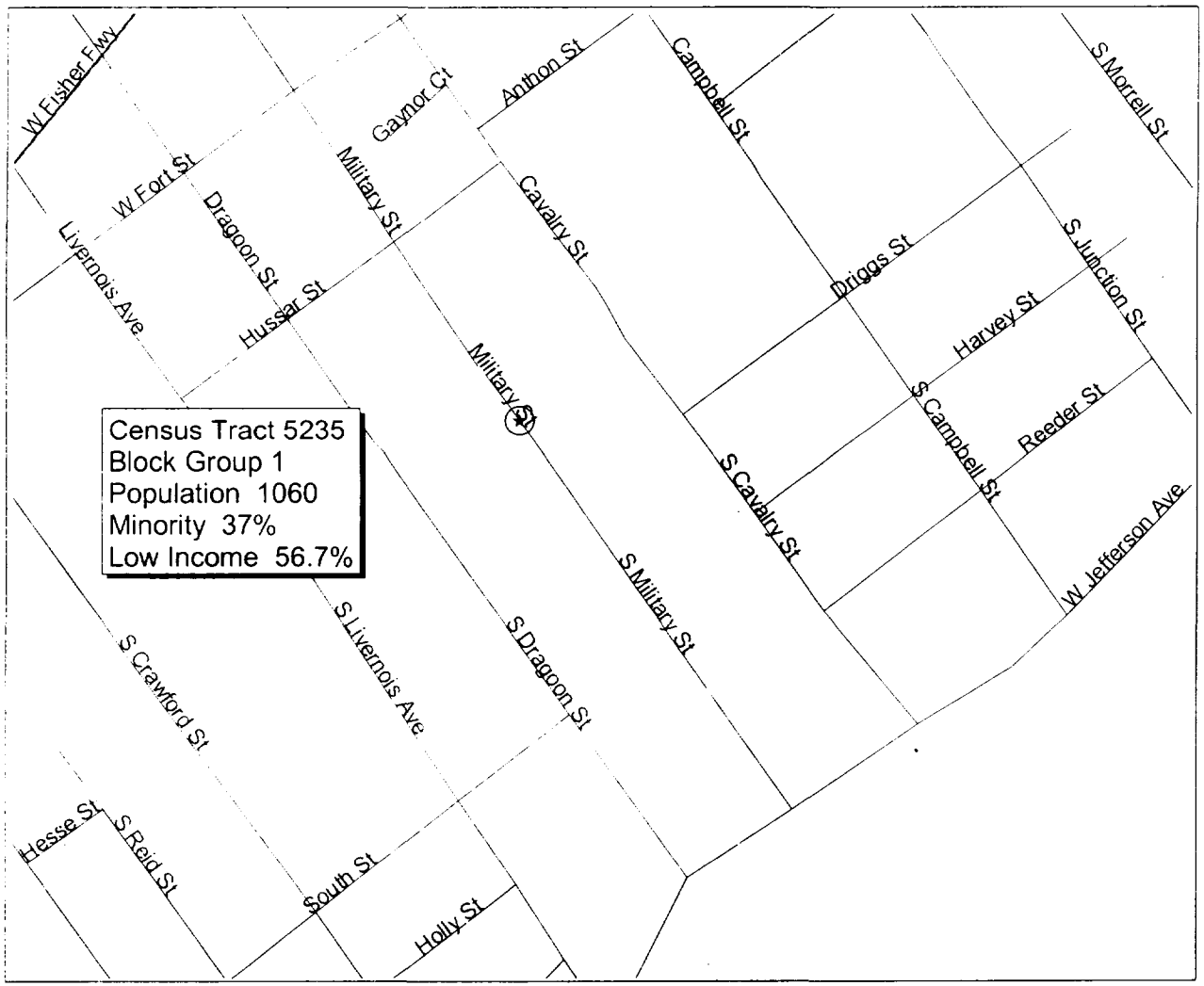
ATTACHMENT 4

SITE FEATURES MAP
SYBILL SITE



Region 5 Superfund EJ Analysis

Sybill Site Detroit, MI



State of Michigan averages:
Minority 18%
Low Income 29%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Michigan

Minority: 36% or greater

Low Income: 58% or greater

⊛ Site Location

Date of Map 1/6/02

Source of Map Census 2000 Database
ArcView 3.0